

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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| RONALD J. DALTON, |) | CASE NO. 5:24-cv-696 |
| |) | |
| Plaintiff, |) | JUDGE BRIDGET MEEHAN BRENNAN |
| |) | |
| v. |) | |
| |) | |
| COMMISSIONER OF SOCIAL |) | <u>ORDER OF REMAND</u> |
| SECURITY ADMINISTRATION, |) | |
| |) | |
| Defendant. |) | |

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge Reuben J. Sheperd recommending that the Commissioner’s decision denying Ronald J. Dalton (“Plaintiff”) disability insurance benefits be reversed in part and the matter remanded for additional proceedings. (Doc. 12.) Specifically, Plaintiff raised two issues before the Magistrate Judge: the Administrative Law Judge’s (“ALJ”) finding that Plaintiff retained a residual functional capacity for light work is not supported by substantial evidence because the ALJ failed to properly evaluate his right-upper extremity and cognitive impairments. (Doc. 12 at 1601.) The R&R recommended the Commissioner’s decision be reversed and remanded as it relates to the right-upper extremity impairment, but that the Commission’s decision be affirmed as it relates to the cognitive impairment. (*Id.* at 1606.)

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C) (flush language). The Commissioner of Social Security filed a response indicating it has no objection to the R&R. (Doc. 13.) Plaintiff has not submitted any objection to the R&R, and the time for doing so has passed.

The Court has reviewed the R&R and ACCEPTS and ADOPTS its recommendations. The Commissioner's decision denying disability insurance benefits is REVERSED and the matter is REMANDED to the Commissioner for additional proceedings consistent with the R&R as it relates to the right-upper extremity impairment. The Commissioner's decision denying disability insurance benefits is AFFIRMED as it relates to cognitive impairment.

IT IS SO ORDERED.

Date: February 6, 2025



BRIDGET MEEHAN BRENNAN
UNITED STATES DISTRICT JUDGE